

## REMARKS

The Examiner's new ground of rejection in view of U.S. Patent No. 4,210,802 to Sakai is not believed to be well taken, because the two extending side edges of the guide 23 do not contact a resting surface, but instead contact a record medium 1 on which a symbol 1a is printed.

To better distinguish the applied art over Sakai, new parent claim 26 recites that the front contact zones of the side edges 37a, b contact a "resting surface in a non-reading mode" in which the indicia is not scanned and the handle portion is not held by a user. These front contact zones cooperate with a rear contact zone of the bottom edge of the second member 40 to "simultaneously support the housing at three individual contact zones" on the resting surface. The art does not suggest these claimed features.

Turning to the rejection on the merits, the Examiner held that it would have been obvious to the ordinary artisan to incorporate the specific structure of the first resilient member, as taught by U.S. Patent No. 6,036,096 to Evers, in the system of U.S. Patent No. 5,828,052 to Reynolds "in order to improve the secure positioning of the scanner on a flat surface". Applicant traverses this determination, because not once does Reynolds suggest that he wants to position his scanner on a flat surface. To the contrary, when the scanner of Reynolds is not being held by a user, it is placed in a support cradle 82 (Fig. 13) or a support fixture 90 (Fig. 14), neither of which is a planar resting surface on which three contact zones are in contact.

The Examiner further held that it would have been obvious to the ordinary artisan to incorporate the side edges of the guide 23 of Sakai in the system of Reynolds as modified by Evers "in order to define a scanning region for the scanner when the side edges are rested on the recording medium to provide a consistency in obtaining an accurate reading". Yet, as explained above,

applicant's front and rear contact zones are only supported on a resting surface when indicia are not being read.

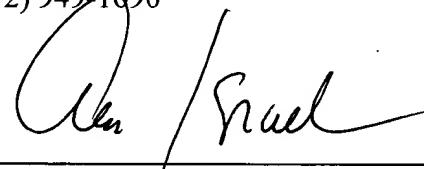
Allowance of claims 26-31 is respectfully requested.

A Terminal Disclaimer over U.S. Patent No. 6,123,265 is submitted herewith, together with the statutory disclaimer fee of \$110.00, in order to obviate the Terminal Disclaimer rejection.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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